EXHIBIT 3

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16 *Attorneys for Plaintiff Cisco Systems, Inc.*

17   **UNITED STATES DISTRICT COURT**

18   **NORTHERN DISTRICT OF CALIFORNIA**

19 CISCO SYSTEMS, INC.,   )   CASE NO.   5:14-cv-05344-BLF
)
20   Plaintiff,   )
)
21   v.   )   **PLAINTIFF CISCO SYSTEMS, INC.'S**
)   **SECOND SUPPLEMENTAL**
)   **OBJECTIONS AND RESPONSES TO**
22 ARISTA NETWORKS, INC.,   )   **DEFENDANT ARISTA NETWORKS,**
)   **INC.'S FIRST SET OF**
23   Defendant.   )   **INTERROGATORIES**
)
24 _____   )

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1   sub-hierarchy start with "ip dhcp."   There can be further sub-hierarchies within a given sub-

2   hierarchy.   One way to demonstrate the hierarchy and organization of Cisco's command

3   expressions visually is through the use of a tree structure.   An example tree structure of a portion

4   of the "ip" command hierarchy is provided in Exhibit D.   Arista's copied commands are

5   organized into the same hierarchies and sub-hierarchies and have the same tree structure.

6   Arista also has copied Cisco's command responses and their organization.   Cisco's

7   command responses constitute original, creative contributions to Cisco's copyrighted works.

8   Attached as Exhibit E is a listing of some command responses from Cisco's copyrighted works

9   that were copied by Arista, as well as the version(s) of Arista's infringing works that contain these

10 protected elements.   In addition, Arista has copied the non-literal elements of Cisco's command

11 responses, including their structure, sequence and organization as also shown in Exhibit E.   The

12 command responses identified in Exhibit E are exemplary only, as Cisco's investigation is

13 ongoing.

14   Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further

15 supplement this response in light of facts learned during discovery, including information

16 regarding Arista's accused products (including screenshots, source code and other non-public

17 materials) and expert discovery.

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20 **INTERROGATORY NO. 5:**

21   State in detail the derivation of each CLI Command used by Cisco, including without

22 limitation all CLI Commands that You contend Arista has unlawfully copied.

23

24 **RESPONSE TO INTERROGATORY NO. 5:**

25   Cisco incorporates by reference its General Objections as though fully set forth herein.

26 Cisco further objects to this interrogatory as irrelevant and not calculated to lead to the discovery

27 of admissible evidence to the extent it (1) calls for evidence pertaining to specific similarities

28 between Cisco's copyrighted works and individual CLI commands copied by Arista, (2) seeks

CISCO'S SECOND SUPPLEMENTAL OBJECTIONS AND RESPONSES TO ARISTA'S FIRST SET OF INTERROGATORIES

1 information not relevant to the copyrightability of Cisco's works-in-suit, and (3) seeks information

2 regarding acts not at issue in this suit.   Cisco further objects to the characterization in this

3 interrogatory that any Cisco CLI command was derived.   Cisco further objects to this

4 interrogatory to the extent that it calls for information that is publicly available or equally

5 available to Arista, and therefore is of no greater burden for Arista to obtain than for Cisco to

6 obtain.   Cisco also objects to this interrogatory as undefined, vague, ambiguous, overbroad, and

7 unduly burdensome in its use of the terms "derivation," "each CLI command used by Cisco," and

8 "all CLI Commands that You contend Arista has unlawfully copied."   Cisco further objects to

9 this interrogatory to the extent it seeks information that is protected by the attorney-client

10 privilege, that constitutes attorney work-product, or that is protected by any other applicable

11 privilege, protection, or immunity, including without limitation in connection with the common

12 interest doctrine.

13   Subject to and without waiver of its general and specific objections, and to the extent this

14 interrogatory can be understood, Cisco responds that after conducting a reasonable search it is not

15 presently aware of any information responsive to this interrogatory.   Cisco's discovery efforts in

16 this case are ongoing, and Cisco reserves the right to further supplement this response in light of

17 facts learned during discovery.

18

19 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

20   Subject to and without waiver of its general and specific objections, Cisco further responds

21 as follows:

22   Cisco's command line interface (CLI) allows users the option of entering commands at a

23 command line prompt, rather than only using configuration files.   Commands for Cisco's CLI

24 include those used to set parameters and others that are used to monitor the state of a machine,

25 device, program or process.   Over time, as additional functionality for Cisco's switches and

26 routers was developed, corresponding commands were introduced into CLI by developers at

27 Cisco.   Because Cisco's CLI was the result of a collective effort of multiple engineers, there is no

28 single employee who was the origin of all of the commands within Cisco's CLI.   Information

1 relating to the timing of introduction of individual commands, as well as additional details, can be

2 found in or ascertained from Cisco's manuals and internal documents.   Pursuant to Fed. R. Civ.

3 P. 33(d), Cisco refers to CSI-CLI-00358160 - CSI-CLI-00359262.   Cisco also incorporates by

4 reference the Bates ranges provided in Cisco's Supplemental Response to Interrogatory No. 2.

5   Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further

6 supplement this response in light of facts learned during discovery, including information

7 regarding Arista's accused products and expert discovery.

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9 **SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

10   Subject to and without waiver of its general and specific objections, Cisco further responds

11 as follows:

12   Kirk Lougheed is knowledgeable regarding the CLI command expressions and the process

13 by which the CLI command expressions were created.

14   Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further

15 supplement this response in light of facts learned during discovery.

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1   DATED: September 1, 2015   Respectfully submitted,

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1   **PROOF OF SERVICE**

2   I hereby certify that, at the date entered below and per the agreement of the parties, I

3   caused a true and correct copy of the foregoing to be served by transmission via the email

4   addresses below:

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19   I declare under penalty of perjury that the foregoing is true and correct.   Executed on

20   September 1, 2015, at Berkeley, California.

21   */s/ Matthew D. Cannon*
                                                         Matthew D. Cannon
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